

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

SARA HAWES, individually, and on behalf of  
all others similarly situated,

Plaintiff,

v.

MACY'S WEST STORES, INC.,

Defendant.

Case No. 1:17-cv-00754

Judge Timothy S. Black

**DECLARATION OF DANIELLE SWIFT**

I, Danielle Swift, declare and state as follows:

1. I am over the age of 18 and under no disability. I have personal knowledge of the matters set forth herein, unless otherwise specifically indicated.
2. I am employed with Macy's Merchandising Corporation as the Director of Buying for Sheets. I have held that position since September 2018. Prior to taking this current position, I worked with private label sheets for Macy's Merchandising Corporation. I have almost nine years of experience working with sheets for Macy's Merchandising Corporation.
3. As the Director of Buying for Sheets, I am responsible for buying bed sheets that are sold in all Macy's stores, including the Macy's retail stores in California. Unless otherwise noted, any references to Macy's in the rest of this declaration will be to Macy's retail stores located in California.
4. Some of the bed sheets Macy's sells are private label offerings. Private label sheets are brands exclusively offered at Macy's. I do not have responsibility for product development of

private label sheets, and this declaration does not address private label sheets unless otherwise noted.

5. Macy's sells a large variety of bed sheets. One of the many vendors that supplies Macy's with bed sheets is AQ Textiles, LLC ("AQ Textiles"). (AQ Textiles does not supply Macy's with any of Macy's private label sheets.) As the Director of Buying for Sheets, I am familiar with the relationship between Macy's and AQ Textiles. Macy's buys sheets and duvets from AQ Textiles that are made of 100% cotton. Macy's also buys sheets from AQ Textiles that are made of a cotton/polyester blend with cotton being a higher percentage than polyester; those sheets are sometimes referred to as CVC sheets.

6. The CVC sheets bought from AQ Textiles are sold in sets with one flat sheet, one fitted sheet, and either two or four pillowcases. In addition, Macy's sometimes also sells sets of two pillowcases that are bought from AQ Textiles.

7. Each product sold by Macy's bears a unique UPC (Universal Product Code). I sometimes refer to an individual product as a UPC. Since 2013, Macy's has bought at least 625 different UPCs of CVC sheets or pillowcases from AQ Textiles. Many of the products can be grouped into programs. For example, I am informed that the Plaintiff in this case alleges that she purchased a Queen Sheet Set, Somerset Collection with a thread count of 900. Macy's has sold 15 different UPCs of Somerset sheets, for example a white King size sheet set, a grey California King size sheet set, and a blue Queen size sheet set. The sheets sets in the Somerset program were sold with four pillowcases, and there were five different colors available. All the Somerset sheets are collectively referred to as a program.

8. Since 2013, Macy's has sold at least 20 different core programs of CVC sheets purchased from AQ Textiles. For some of the CVC sheets Macy's buys from AQ Textiles, it

orders the sheets before they are manufactured, and Macy's approves the inserts for those sheets. Those are referred to as core program sheets. For other CVC sheets that Macy's buys from AQ Textiles, the sheets are already manufactured, labeled, and packaged when Macy's agrees to buy them. Those sheets are referred to as opportunity buys. Opportunity buys are sometimes available at cheaper prices than core program buys, and Macy's uses them to fill out its selection of sheets. At any given time, opportunity buys can amount to 10 percent to 20 percent of the CVC sheets being purchased from AQ Textiles.

9. Each core program of sheet has a set of specifications. Those specifications contain information about the size of the sheets, the fabric composition, the style of weaving, the thread count, and available colors, among other attributes. Some core programs include duvet covers, and others do not. Since I have been working with AQ Textiles, AQ Textiles supplies the specifications to Macy's Merchandising Corporation for each core program purchased for sale in Macy's retail stores.

10. Each program of sheets sold by Macy's differs from other programs. Based on my experience, customers value variety when they shop, and we try to stock the stores to meet their expectations. Macy's may have as many as six different programs of sheets from AQ Textiles on the sales floor at a time. That number fluctuates. Macy's does not hold space for sheets from AQ Textiles. A different supplier may have offered lower prices, better quality or unique proprietary technology, for example, for a period of time which would result in Macy's offering fewer AQ Textiles sheets.

11. The CVC sheets sold by AQ Textiles have different attributes. Some offer two pillowcases, and some offer four pillowcases. Some use Egyptian cotton and some use generic cotton. Some of the sheets bought from AQ Textiles are striped and many are not. Some programs

are available in a limited number of colors and some are available in more colors. Some of the sheets have performance features, and some do not. Each program of sheets bought from AQ Textiles offers a different mix of attributes for consumers.

12. The packaging of sheets is very important to Macy's. Most of the sheets purchased from AQ Textiles are sold in clear plastic bags with a zipper. The zipper is unsecured, which means that a customer on the sales floor can open the sheets and feel them. The hand feel or how a sheet feels when touched is very important in selling sheets.

13. The Celliant sheets purchased from AQ Textiles are sold in plastic bags with dark blue sides and transparent front and back. The Celliant sheets are CVC sheets with a 400 thread count. In addition, due to the attributes offered by Celliant sheets, the ticketed price is much higher than other CVC sheets. The original ticketed price for Celliant king size sheets was \$300 while the next highest ticketed price for king size sheets that were purchased from AQ Textiles and manufactured by Creative was \$210 for the Parker king size sheets.

14. When I or someone working with me at Macy's orders a new core program of sheets from AQ Textiles, that person feels a sample to make sure that it is a pleasing feel so that it will be appealing to customers. That opportunity is not always available for opportunity buys.

15. The CVC sheets bought from AQ are made with both cotton and polyester threads with more cotton than polyester. Some of the programs contain different mixes of cotton and polyester. The Parker program for example contains 55% cotton and 45% polyester, and the Bradford program for example contains 60% cotton and 40% polyester.

16. Each sheet set and each pillowcase set imported by AQ Textiles and sold by Macy's contains a paper insert. There is usually a front and a back insert. The inserts slip into a pocket in the plastic bags and are visible to the consumer. Those inserts convey important information about

the product to customers. A copy of the front insert and the back insert for the Fairfield Square Sydney program sheet (without a copy of the RFID sticker) is attached as Exhibit A. The front inset contains a picture that is designed to convey a simple luxury to the consumer. The back insert informs the customer that the sheet set is made with Egyptian cotton, that it includes four pillow cases, that it fits mattresses up to 18 inches deep, that it is cotton rich, that it is wrinkle resistant, that it is made with luxurious sateen, and that it is easy care. It also informs the customer that the thread count is 825.

17. In addition to information about the product, the inserts are designed to appeal to customers in different ways. For example, the Parker program of sheets carries a black insert with gold edging and fonts that is designed to convey luxury. The Optimal Performance program is sold with an insert that is designed to convey high performance and function. The different inserts are designed to appeal to customers who are looking for different things; I want to make sure that Macy's is offering a range of products that appeal to what people want.

18. The CVC sheets purchased from AQ Textiles have a wide variety of attributes that are present in different degrees in different programs. These attributes are listed on the inserts for the sheets that feature them. The attributes featured on inserts for different sheets include:

- a. Stay fit or Stay fit extra wide elastic
- b. Wrinkle resistant
- c. Bleach safe
- d. Anti-pilling or pill resistant
- e. Stain release
- f. Cotton rich or Egyptian cotton rich
- g. Fits up to 18 inch mattress

- h. Luxurious feel
- i. Easy care
- j. Includes 4 pillowcases or includes 2 pillowcases
- k. Percale weave
- l. Luxurious sateen
- m. Cotton Egypt Association accredited gold seal
- n. Increase energy
- o. Two standard pillowcases

19. The sheets purchased from AQ Textiles and sold by Macy's are mixed in on the sales floor with sheets obtained from other suppliers. They are not labeled with the name of AQ Textiles, and they are not advertised or marketed in any way as a group. Each program is displayed or merchandised separately.

20. The back insert in each sheet set or each set of pillowcases for the core programs contains an RFID sticker bearing the UPC and the price. Many of these also contain a PID number which contains AQT at the end. That is the only indication that the sheets come from AQ Textiles.

21. The price marked on the RFID sticker is referred to as the ticketed price. Typically, within a program, the ticketed price is highest for the California King, then the King, then the Queen, and last the Full size sheet sets.


22. Macy's offers frequent sales, promotions, and coupons. Sheets are one of the items that are frequently placed on sale. Different sales feature different sheets. In some sales, each size in a program is priced differently, and in some sales all sizes will have one sales prices or in some sales, the California King and King, for example, might have the same sales price while Queen

and Full have the same sales price. Sometimes sales are based on a percentage off the ticketed price and other times the sales are at a set sales price.

23. Macy's sets the ticketed price based in part from the cost it pays the supplier. Those costs to Macy's vary with a number of factors including the cost of the material which in turn is affected by the type and cost of the yarns used to weave the sheets.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 30, 2021.

  
Danielle Swift



# EXHIBIT A

22-02-2019

Mahalaxmi code:- MAHA-PR-CR-148

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7" W X 5" H



3.5"

Fits up to 21 inch mattress  
EGYPTIAN COTTON RICH  
6 PIECE SHEET SET  
825 THREAD COUNT  
SYDNEY  
FAIRFIELD SQUARE



4"



FAIRFIELD SQUARE  
SYDNEY

QUEEN  
EXTRA DEEP  
SHEET SET

825 THREAD  
COUNT

EGYPTIAN COTTON RICH



INCLUDES 4  
PILLOW CASES



FITS  
MATTRESSES  
UP TO 18"



COTTON  
RICH



WRINKLE  
RESISTANT



LUXURIOUS  
SATEEN



EASY CARE

6 Piece Queen Set Includes:

1 Flat Sheet  
92 inch x 104 inch  
(233.7 cm x 264.2 cm)

1 Fitted Sheet  
60 inch x 80 inch  
(152.4 cm x 203.2 cm)  
(18 inch Pocket fits up to 21 in mattress)

4 Standard Pillow Cases  
21 inch x 30 inch  
(53 cm x 76 cm)

Egyptian Cotton Warp Yarns / Polyester Weft Yarns  
55% Egyptian Cotton / 45% Polyester

Machine Washable. Wash Separately.  
Remove from Dryer Promptly. See Care Label.  
Made in India RN # 113585

PATENT  
9,493,892 9,708,737  
9,481,950 9,131,790  
CREATIVE

10.5"

